

Town of Cottage Grove  
Resolution 2006-10

RESOLUTION PETITIONING THE GOVERNOR OF WISCONSIN TO CREATE A  
CAPITAL AREA WISCONSIN REGIONAL PLANNING COMMISSION

WHEREAS, the need to preserve the natural resources and beauty of the region surrounding Wisconsin's capital require that local units of government work together to address environmental concerns which transcend municipal boundaries;

WHEREAS, cooperative efforts can pool scarce resources to create a public agency which can act as a resource for the community development efforts of local units of government in the capital area of Wisconsin;

WHEREAS, the most appropriate legal means available for engaging in such cooperative efforts appears to be creation of a regional planning commission under sec. 66.0309, Wis. Stats.;

WHEREAS, that statute provides that the Governor may create a regional planning commission upon petition of a local unit of government and if the creation is consented to by local units representing fifty percent of the population and fifty percent of the equalized value of the proposed region;

AND, WHEREAS, the statute further provides in sec. 66.0309 (3)(b) that the membership composition of a regional planning commission shall be in accordance with resolutions adopted by a majority of the local units in the region having at least one-half the population of the proposed region;

AND, WHEREAS, section 66.0301 of the Wisconsin Statutes allows counties, towns, villages and cities jointly to exercise any power they possess, and the parties hereto intend that the agreements contained herein be binding on each of them and on the CARPC, once created, under authority of that statute;

NOW, THEREFORE, be it resolved, pursuant to secs. 66.0301 and 66.0309, Wis. Stats., that:

1. The recitals set forth above are incorporated herein by reference and made part of this Resolution.
2. The territory of the proposed Capital Area Regional Planning Commission shall be all of Dane County.
3. The [City][Village][Town] of Cottage Grove hereby petitions the Governor of Wisconsin to create the Capital Area Regional Planning Commission with membership as defined in this resolution.
4. The [City][Village][Town] of Cottage Grove hereby consents to creation by the Governor of Wisconsin of the Capital Area Regional Planning Commission with membership as defined in this resolution.
5. The [City][Village][Town] of Cottage Grove hereby states its support for having the Governor of Wisconsin designate, under NR 121.06(2), the Capital Area Regional Planning Commission as the agency capable of developing effective areawide water quality plans for Dane County.

- 49           6.     The membership plan of the Capital Area Regional Planning Commission  
50           shall be as follows:  
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52           a.     Thirteen members to consist of:  
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54                   i.     Four members appointed by the Mayor of the City of  
55                   Madison from the area of and representing the City of  
56                   Madison;  
57                   ii.    Three members appointed by the Dane County Cities and  
58                   Villages Association from the area of, and representing  
59                   cities and villages;  
60                   iii.   Three members appointed by the Dane County Towns  
61                   Association from the area of and representing towns.  
62                   iv.   Three members appointed by the Dane County Executive,  
63                   one from each of the three areas enumerated in  
64                   subparagraphs 6 a. i through iii above.  
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66           b.     No more than three of the thirteen members of the Commission  
67           may be members of the Dane County Board of Supervisors.  
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69           c.     Any modifications in the sewer service areas shall require at least  
70           eight (8) votes.  
71  
72           d.     Each member of the Commission shall serve a term of three (3)  
73           years. The initial members from each appointing authority shall be  
74           appointed by the appointing authority for initial terms of one, two  
75           or three years such that the terms of the members are staggered and  
76           one-third of the Commission is appointed each year. The  
77           appointing authority shall determine which members shall serve  
78           the various terms.  
79  
80           e.     A member of the Commission may be removed by the appointing  
81           authority for cause, as defined in the Commission's by-laws.  
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83           f.     There shall be a Budget and Personnel Panel of the Capital Area  
84           Regional Planning Commission which shall consist of:  
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86                   i.     The Mayor of the City of Madison;  
87                   ii.    The Dane County Executive  
88                   iii.   The President of the Dane County Towns Association;  
89                   and  
90                   iv.   The President of the Dane County Cities and Villages  
91                   Association.  
92                   v.    The chairperson of the Regional Planning Commission,  
93                   as a non-voting member.  
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95           g.     The Budget and Personnel Panel shall have the power, on behalf of  
96           and with advice of the CARPC:

- 97 i. to establish the levy and user fees and adopt the annual  
98 operating budget for the CARPC. The Budget and  
99 Personnel Panel may adopt a levy less than the statutory  
100 maximum;  
101 ii. to hire the Executive Director from a list of three  
102 candidates selected by the CARPC.  
103 iii. To remove the Executive Director, at pleasure.  
104 iv. The Budget & Personnel Panel may act on the business  
105 referred to in paragraphs i through iii only at a meeting at  
106 which all four members of the Panel are present.  
107 v. At any time after the CARPC has been in existence for  
108 one year following its creation by the Governor of  
109 Wisconsin, the Budget and Personnel Panel may, by a  
110 vote of three of its four members, change or transfer to  
111 the CARPC its responsibilities referred to in paragraphs ii  
112 and iii.

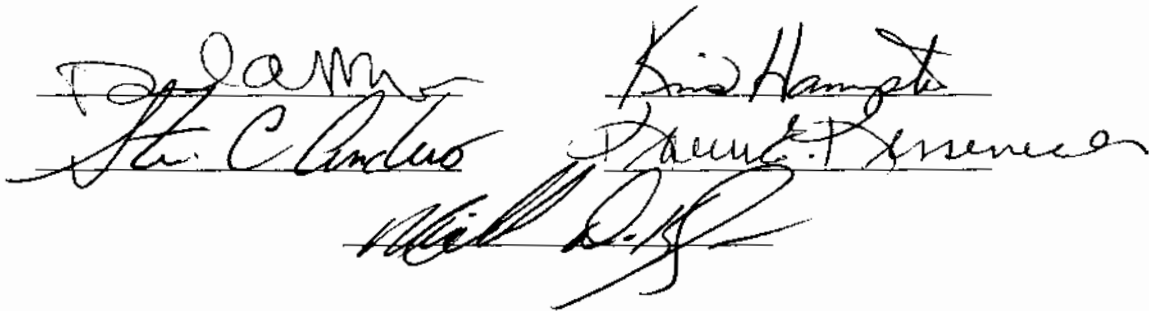
- 113  
114 h. The undertaking municipalities agree and hereby contract that the  
115 annual levy charged by the CARPC shall not exceed .0017 percent  
116 of equalized value under the CARPC's jurisdiction and within the  
117 region. The annual increase in the levy for the CARPC may not  
118 exceed the increase allowed under any levy limitations which  
119 apply to Dane County. The parties agree that there shall be user  
120 fees charged, not to exceed actual costs incurred, to review sewer  
121 extension requests from local units of government, town sanitary  
122 districts, town utility districts, and metropolitan sewerage districts.  
123 The user fees shall be in addition to the net levy for the subsequent  
124 budget year as established by the Panel. The parties also agree that  
125 the Budget and Personnel Panel shall submit its proposed levy to  
126 Dane County no later than August 1 of each year. If the Budget  
127 and Personnel Panel or CARPC fail to timely submit a levy or  
128 budget, then the levy and budget in effect for the current year shall  
129 continue for the next year.

- 130  
131 7. The CARPC shall work with communities to update the Dane County  
132 Water Quality Plan. In addition to the elements required by NR 121 of the  
133 Wisconsin Administrative Code, the Water Quality Plan shall also define  
134 areas that should be protected from development based on provisions to  
135 protect water quality as contained in NR 121 of the Wisconsin  
136 Administrative Code. The Plan shall also define areas that can be  
137 developed with measures to protect, restore or minimize degradation of  
138 water quality.

139  
140 The Plan shall also define a 25-year Future Urban Development Area with  
141 5-year updates. The Plan shall be developed in cooperation with area  
142 communities, including towns, and shall consider adopted comprehensive  
143 plans and intergovernmental agreements. The Plan shall be developed as  
144 follows:

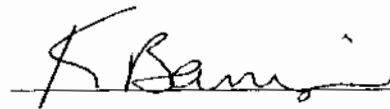
- a. CARPC staff shall provide communities with environmental condition reports consisting of maps, text, and information identifying environmental issues that should be addressed.
- b. The CARPC shall give priority to areas of the highest environmental sensitivity and growth pressure. These areas are: all communities within the Central Urban Service Area; all communities within the Northern Urban Service Area; all urban service areas with a year 2000 Census population of 3,000 or more; and the Black Earth Urban Service Area. The CARPC should, in general, provide assistance with planning for the Future Urban Development Area of other urban service areas after assisting the priority communities. The CARPC's Executive Director shall provide to the CARPC a 3-year work plan with points of reference and an annual progress report with recommendations.
- c. The Plan, which will identify the 25 Future Urban Development Area, shall be based on the requirements of NR 121 and shall also consider other factors including the impacts on natural and built systems, the efficient use of land including urban densities, and the ability to efficiently provide services to support the development and farmland preservation planning.
- d. There shall be separate rules and policies for limited service areas.
- e. The CARPC shall adopt policies and procedures for the considerations of amendments to the Water Quality Plan between five-year updates of the Water Quality Plan.
- f. The CARPC shall provide the information described in Item a. to areas with the highest environmental sensitivity and growth pressure within three years of the date the CARPC commences operations.
- g. Communities shall submit their proposed Future Urban Development Area within 24 months of the date they receive the data from the CARPC. If a community does not meet this timeline, the CARPC shall not act on any individual USA expansion requests until the proposed plan is submitted. CARPC may grant one six-month extension to this timeline.
- h. The CARPC shall act on the proposed Future Urban Development Area plan within a year of the plan's submission. If CARPC fails to do so, the plan shall be acted upon by the Budget and Personnel Panel.
- i. The CARPC may not shift its staff work and analysis responsibilities to the local communities.

The above document was duly adopted by the Town Board of the Town of  
Cottage Grove on the 3rd day of July, 2006.



CERTIFICATION

I, Kim Banigan, the Town Clerk of the Town of  
Cottage Grove, do hereby certify that the above document was duly adopted by  
the Town Board on the 3rd day of July, 2006.



Town Clerk